

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. **(Currently Amended)** A method of providing a data capability indication on a mobile phone ~~such that~~ notifies a user ~~can determine as to whether or not~~ a particular data application on the mobile phone can currently be executed on the mobile phone network, the method comprising:
  - (a) obtaining a minimum data throughput requirement for the application;
  - (b) calculating a current maximum data throughput rate between the mobile phone and the mobile phone network;
  - (c) determining whether the current data throughput rate is greater than the minimum data throughput requirement of the application;
  - (d) displaying a positive indicator on the mobile phone that the application can currently be run, if the current data throughput rate is greater than or equal to the minimum data throughput requirement of the application;
  - (e) displaying a negative indicator on the mobile phone that the application cannot currently be run, if the current data throughput rate is less than the minimum data throughput requirement of the application.
2. **(Original)** The method of claim 1 wherein steps (b) through (e) are repeated periodically to obtain and apply the current maximum data throughput rate between the mobile phone and the mobile phone network.

3. **(Original)** The method of claim 2 wherein the positive indicator appears as the application displayed normally by the mobile phone.
4. **(Original)** The method of claim 2 wherein the negative indicator appears as the application shaded out on the display of the mobile phone.
5. **(Original)** The method of claim 2 wherein the positive indicator appears as the application in a first color on the display of the mobile phone and the negative indicator appears as the application in a second different color on the display of the mobile phone.
6. **(Original)** The method in claim 2 further comprising displaying a current dBm level icon corresponding to the current maximum data throughput rate.
7. **(Original)** The method in claim 2 further comprising displaying a current data throughput rate icon expressed in bits per second corresponding to the current maximum data throughput rate.